

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

3 GRANT HAMRICK,)
4 Plaintiff,)
5 VS.) NO. 3:20-cv-00417-TRM-DCP
6)
7 SPLASH TRANSPORT, INC.,)
8 AHMED ELMEHALAWY,)
9 NANDLEEN, LLC d/b/a)
NANDLEEN LOGISTICS, and)
10 REGINALD DEVON JAMES,)
11 Defendants.)
12

13 THE VIDEOTAPED VIDEOCONFERENCE DEPOSITION

14 OF

15 AILENDE OMOZOKPEA

16 September 17, 2021
17
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19
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22

23 REPORTED BY: Lashawn Marshall, RPR
24 TN LCR No. 367 and MS CCR No. 1952
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1 A. I don't think we -- we have that. That's
2 not -- is allowed, from our -- from my point of
3 view, but it's not (indiscernible) --

4 (WHEREUPON, THE STENOGRAPHER REQUESTS
5 CLARIFICATION.)

6 A. It's not -- it's not written that it's not
7 on the -- on the book, but it's allowed for --
8 for -- when we talked about it -- because he
9 mentioned it, Reginald, when we're talking then. So
10 yeah, it's allowed. I just told him as long as you
11 know what you're doing and you're not staying long,
12 because it's not safe; that, we know. So yeah, we
13 talked about stuff like that.

14 BY MR. WRIGHT:

15 Q. Okay. So when you hired Reginald James,
16 you had a conversation with him about parking on the
17 shoulder; is that correct?

18 A. Yeah. Where -- where he was supposed to
19 park and rest, yes.

20 Q. All right. And you told him that parking
21 on the shoulder is allowed; is that correct?

22 A. I did say it's not allowed, but for
23 emergency, yes, it's allowed.

24 Q. Okay. So -- so I'm clear, did you tell

1 him that it was not allowed for routine matters?

2 A. Yes.

3 Q. So --

4 A. Yes.

5 Q. So the -- the policy at the time was for
6 Nandleen to instruct its drivers that parking on the
7 shoulder of highways and roads in tractor-trailers
8 was not allowed unless it was an emergency; is that
9 correct?

10 A. Correct.

11 Q. Is that written down anywhere in the
12 record that would've existed before Reginald James
13 was hired?

14 A. No, it wasn't. I don't think it's written
15 on that book, but we just -- we normally talk about
16 stuff, about safety. So that was around one of our
17 statement, hey, if you -- we don't normally like you
18 parking on the shoulders --

19 (WHEREUPON, THE STENOGRAPHER REQUESTS
20 CLARIFICATION.)

21 MR. SARR: Slow down.

22 A. So what I'm saying is we -- we -- we're
23 just touching, like, the safety procedures, and we
24 talked about, hey, you don't have to park on the

1 MR. SARR: I was flipping through it to
2 make sure there weren't any other notes or other
3 stuff in there that wouldn't be a part of that, so
4 he's got it back.

5 MR. WRIGHT: Is there a table of contents
6 on -- in there?

7 MR. SARR: There is. It's on the -- there
8 you go.

9 MR. WRIGHT: All right. Can you -- can
10 you flip the page because it -- I want to see what's
11 in the table of contents.

12 MR. SARR: It doesn't look like there's an
13 actual listing of, like, those different sections as
14 far as a table of contents. It looks like it just
15 goes right into the different provisions.

16 MR. WRIGHT: Okay.

17 BY MR. WRIGHT:

18 Q. So there's nothing that would tell us
19 where the driver safety practices are located?

20 A. No. It's just like this.

21 Q. Okay. So can you take a moment and flip
22 through that and -- and make certain that you don't
23 have any written policy regarding parking on
24 shoulders?

1 A. I was told by Reginald.

2 Q. Okay. That's not personal knowledge;
3 that's according to Reginald, correct?

4 A. Yes.

5 Q. When did he tell you that?

6 A. Think that same -- the accident scene.

7 Q. Okay. At the accident scene, he told you
8 that the --

9 A. Yeah, that the -- he was just trying to
10 explain how badly damaged it was, so that's why he
11 did a video. I instruct him to do that video in the
12 first place. I say, You know what? I don't
13 understand everything you're saying, so just do a
14 video so I'll see the condition of the trailer.

15 So that's when he pulled out a phone to do
16 that video at that point. So, you know, we went
17 through it, said the door was damaged, the -- the --
18 some other parts of the other trailer that -- that
19 hit him, it was inside his own trailer. So he just
20 did a short video and sent to me. That was the
21 video you saw today.

22 Q. Okay. Now, if Reginald James wanted to go
23 to Greensboro, he would have to take I-40, which
24 is -- which is about where he was. He could get on

1 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
2 WAS MARKED AS EXHIBIT NO. 18 TO THE TESTIMONY OF THE
3 WITNESS AND IS ATTACHED HERETO.)

4 BY MR. WRIGHT:

5 Q. Then I've also got some initial
6 disclosures. Did you help prepare these and give
7 the names of people that you thought may have
8 relevant knowledge and identified the documents that
9 you might use in response or use in this case and
10 provide those to us? Did you help with that for the
11 initial disclosures?

12 A. Yes, correct.

13 MR. WRIGHT: We'll mark that, with the
14 attachments, as Exhibit 19: Nandleen's initial
15 disclosures.

16 (WHEREUPON, THE ABOVE-MENTIONED DOCUMENT
17 WAS MARKED AS EXHIBIT NO. 19 TO THE TESTIMONY OF THE
18 WITNESS AND IS ATTACHED HERETO.)

19 BY MR. WRIGHT:

20 Q. And the last question I have is the cell
21 phone that -- that Mr. James called you on, what is
22 the phone to that?

23 A. My phone number?

24 Q. Well, the one that he called you on. Did

1 A. Yes.

2 Q. All right. Can you -- could you hold it
3 up for us and show us what model it is?

4 A. That's the new one.

5 Q. Is that the 12?

6 A. No. I think this is the most recent one.
7 Is it a --

8 MR. SARR: 13?

9 A. The Pro Max or something. This one came
10 out the -- the most recent.

11 BY MR. WRIGHT:

12 Q. Oh, the Pro Max.

13 Okay. So it's got the three lenses on it.
14 When did you get that one?

15 A. I'm with Verizon.

16 Q. I mean, how long ago did you get that one?

17 A. Not very long ago. I think a few months
18 ago.

19 Q. Do you still have the phone that you were
20 using when Mr. Reginald James called you?

21 A. No, I don't think so.

22 Q. Did you get rid of it?

23 A. Yes, I think so.

24 Q. What -- what did you do with it?

1 A. Normally, I give it out. I don't -- I
2 don't sell my phones. I'll just gift it to someone.
3 So I send it back to my country.

4 Q. Okay. Do you know who you sent it to?

5 A. I can't remember.

6 Q. You give it to someone you know or to a
7 stranger?

8 A. Oh, someone I know, for sure.

9 Q. Okay. I would like you to figure out who
10 you sent that to because there may be material
11 information on that. Can you agree to do that?

12 A. I'll figure out. But I reset the phone
13 before I sent. I only save some few stuff, you
14 know, that I feel is useful to my new phone, and I
15 just factory reset the old thing so I can give it
16 up.

17 Q. Did you delete the data, the call data and
18 text messaging on it?

19 A. I factory reset the phone to brand-new.
20 Yes.

21 Q. So yes. Okay.
22 Do you back up the information to the
23 cloud?

24 A. Some. Like some photos and other stuff

1 should be.

2 Q. Okay. Did you back up text messaging or
3 voicemails or anything like that to the cloud?

4 A. Maybe text message, but voicemail, I
5 don't -- I don't think so.

6 Q. Do you ever communicate with drivers
7 through text messaging or through any kind of app?

8 A. I do, through text messaging.

9 Q. Okay. Is that the -- is that the text
10 messaging app on the iPhone that comes as a default
11 text messaging app?

12 A. Yes.

13 Q. Yes.

14 Okay. Have you -- did you ever
15 communicate at any time with Reginald James between
16 the time that he was hired and the time that the
17 crash happened on text messaging on the iPhone?

18 A. Yeah. We should do it a few times because
19 normally, he send me bill of lading, proof of
20 delivery. He normally send them to me through text
21 message (indiscernible).

22 (WHEREUPON, THE STENOGRAPHER REQUESTS
23 CLARIFICATION.)

24 A. He takes photo of the bill of ladings and

1 send to me; he does that.

2 BY MR. WRIGHT:

3 Q. Did you do anything to try to preserve
4 those messages to and from Reginald --

5 A. Yes.

6 Q. You did?

7 A. Yes.

8 Q. Okay. Where are they?

9 A. I will check if I have them on my phone,
10 because when I change phone, like I said, I use
11 iCloud to bring everything back. So probably I
12 obviously have some.

13 Q. Okay. I had a little trouble
14 understanding you. You can check back, and you
15 think you may have some; is that what you said?

16 A. Yes, possible.

17 Q. Okay. Where would you look to find those?

18 A. I would check my computer because I tried
19 to do backup on my MacBook, but I don't know if I
20 did it correctly. But I've not seen those
21 information after that. But if not, I'll check my
22 MacBook, and I will also check my phones.

23 Q. Okay. And I would like you to produce any
24 and all electronic communications between you and

1 Reginald James that would have occurred between the
2 time that he was hired and the time that he was
3 terminated. Okay? Can you do that?

4 A. Okay. He wasn't terminated, though, but
5 the time he left, yes.

6 Q. Fair enough. I know -- that was unfair of
7 me to say that, and I didn't mean -- I didn't intend
8 to say that you fired him. But he was -- his
9 employment terminated for whatever reason.

10 He left of his own accord, correct?

11 A. Yes.

12 I cannot guarantee those document, but I
13 will search. I don't know as -- if I have them
14 firsthand.

15 Q. So you -- you believe that you -- you
16 saved these possibly backed up on your MacBook
17 laptop computer, correct?

18 A. Possibly, but I'm not guaranteeing.

19 Q. Okay. But you remember trying to do that
20 at some point?

21 A. I -- yeah, I know I always back up -- try
22 to back up my phone before I reset, but, you know,
23 stuff come backs anyway when you -- when you put it
24 in your iCloud, so . . .

1 (WHEREUPON, VIDEOCONFERENCE AUDIO
2 DISTORTION OCCURRED.)

3 BY MR. WRIGHT:

4 Q. Did you or Reginald James text message or
5 send any documents back and forth that would have
6 occurred regarding this particular load that he was
7 picking up at Hayneedle in Lebanon, Ohio?

8 A. Yeah. I think I actually -- I don't
9 remember how I sent him the -- that should be how I
10 sent him the -- the location of the first place. I
11 have to text him, like, a screenshot of the bill of
12 lading and say this where you're going, and this is
13 where you're delivering. So I think that's how it
14 is.

15 Q. Because I -- I've also asked for the bill
16 of lading, and I was not produced any bill of
17 lading. Where is the bill of lading?

18 A. I should have a copy of the bill of
19 lading, right?

20 Q. Okay. So let's do this. So the
21 next-numbered exhibit, which will be late-filed,
22 which will be all the text messages between you and
23 Reginald James that you're going to look for, which
24 will be 19, late-filed exhibit. Okay?

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